

Coleman	Inhofe	Obama
Collins	Inouye	Pryor
Conrad	Isakson	Reed
Cornyn	Jeffords	Reid
Corzine	Johnson	Roberts
Craig	Kennedy	Rockefeller
Crapo	Kerry	Salazar
Dayton	Kohl	Santorum
DeMint	Kyl	Sarbanes
Dodd	Landrieu	Schumer
Dole	Lautenberg	Sessions
Domenici	Leahy	Shelby
Dorgan	Levin	Smith
Durbin	Lieberman	Snowe
Enzi	Lincoln	Specter
Feingold	Lott	Stabenow
Feinstein	Lugar	Stevens
Frist	Martinez	Sununu
Graham	McCain	Talent
Grassley	McConnell	Thomas
Gregg	Mikulski	Thune
Hagel	Murray	Voinovich
Harkin	Nelson (FL)	Warner
Hatch	Nelson (NE)	Wyden

## NOT VOTING—7

Akaka	Ensign	Vitter
Burns	Hutchison	
DeWine	Murkowski	

The resolution (S. 38) was agreed to.  
 The preamble was agreed to.  
 The resolution, with its preamble, reads as follows:

## S. RES. 38

Whereas on January 30, 2005, Iraq held its first democratic elections in nearly half a century;

Whereas after more than 3 decades of enduring harsh repression and lack of freedom, millions cast ballots on January 30, 2005, to determine the future of their country in an election widely recognized as a success by the international community;

Whereas the hard work, contributions, vision, and sacrifices of the Interim Iraqi Government in undertaking major political, economic, social, and legal reforms and, in conjunction with the efforts of the Iraqi Independent Electoral Commission, in ensuring that Iraq held nationwide elections on January 30, and in not being intimidated by terrorist and insurgent forces resulted in the successful elections of January 30;

Whereas on January 30, President George W. Bush stated that the election in Iraq was a "milestone" in Iraq's history and that the "world is hearing the voice of freedom from the center of the Middle East";

Whereas the January 30 election is another step in the process of developing a free and democratic Iraq;

Whereas the people of Iraq cast votes to freely choose the 275-member Transitional National Assembly that will serve as the national legislature of Iraq for a transition period, name a Presidency Council, and select a Prime Minister;

Whereas the Transitional National Assembly will draft the permanent constitution of Iraq;

Whereas the election establishes a credible process for governing Iraq under a mandate from the majority of the people of Iraq for a new Iraq in which all communities are represented, minority rights are respected, and violence is not tolerated;

Whereas an estimated 14,300,000 Iraqis were registered to vote at more than 5,000 polling stations across Iraq and in 14 other countries;

Whereas, with 256 political entities composed of 18,900 Iraqi candidates standing for election in 20 different elections (the national election, 18 provincial elections, and Kurdistan Regional government election), voter turnout demonstrated widespread enthusiasm for self-determination;

Whereas Iraqi security forces joined with United States and Coalition forces in providing security for the elections;

Whereas despite these efforts, many Sunni Iraqis in some provinces did not vote because of fear and intimidation;

Whereas the United Nations Electoral Assistance Division and other nongovernmental organizations provided technical support and assistance to the Independent Electoral Commission of Iraq and the Iraqi Interim Government;

Whereas the people of Iraq will again exercise their popular will through a national referendum in October 2005, when the Transitional National Assembly presents a draft constitution for Iraq;

Whereas national elections based on that constitution are then to be held in December 2005 to choose an Iraqi government in a manner prescribed by the constitution;

Whereas it is in the interest of Iraq, the Middle East, the United States, and the international community that Iraq successfully transitions to a functioning democratic state, as this may serve as a catalyst for peace and stability in the region; and

Whereas the Iraqi government needs assistance from the broader international community to further develop governing capacity, train effective security forces who can defeat the terrorists and insurgents and maintain law and order, improve economic conditions, and maintain essential services, such as the delivery of electricity, gasoline, and water: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of Iraq on the successful nationwide elections held in Iraq on January 30, 2005, and recognizes the elections as another step in developing a free and democratic Iraq;

(2) recognizes the desire for freedom and liberty of all individuals who served as candidates, campaign workers, United Nations and Iraqi election officials, and voters in the January 30, 2005, elections in Iraq and congratulates the new members of the Transitional National Assembly and the leaders of the provincial and regional governments;

(3) urges the new leadership of Iraq to move forward with drafting the constitution, upholding the law, and holding a referendum on the new constitution in October 2005;

(4) encourages participation of all groups and communities in the drafting of a new constitution and the formation of a permanent government for Iraq;

(5) recognizes and honors the sacrifices made for freedom and liberty in Iraq by the people of Iraq;

(6) commends the Iraqi security forces, and the U.S. armed forces and Coalition forces, who ensured the elections could be conducted in a relatively safe, secure, and credible manner;

(7) condemns and deplores all acts of violence and intimidation against the people of Iraq by members of the former Iraqi regime, insurgents, and other extremists and terrorists;

(8) supports the establishment of a fully democratic Iraqi government that respects the rule of law, promotes ethnic and religious tolerance, respects the rights of women and all minorities, provides security and stability for the people of Iraq, and has the capacity to maintain basic services such as the delivery of sufficient electricity, gasoline, and water;

(9) believes that it is in the interest of the people of Iraq, the Middle East, the United States, and the international community that Iraq transitions to a fully democratic state, and that doing so may serve as a catalyst for peace and stability in the region;

(10) calls on the international community, particularly Arab states, countries with predominantly Muslim populations, and all North Atlantic Treaty Organization member states, to provide military and police per-

sonnel to train and assist Iraqi security forces and to otherwise assist in the political and economic development of Iraq;

(11) encourages the newly-elected transitional government of Iraq to ensure that all Iraqis, including members of the Sunni religious community, are represented in the Constitution-writing process and in the new Iraqi cabinet to improve the prospects for national unity and consensus; and

(12) looks forward to welcoming Iraq into the world community of democratic nations.

Mr. McCONNELL. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

## MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES  
SERGEANT JAVIER MARIN, JR.

Mr. GRASSLEY. Mr. President, I rise today to honor a fallen Army soldier, SGT Javier Marin, Jr., of the A Company, 2nd Battalion, 2nd Infantry Regiment, 1st Infantry Division. Sergeant Marin died on the 24th of January, 2005, in Mohammed Sacran, Iraq, when his military vehicle overturned into a nearby canal. He had just turned 29 years old on the 21st of January. Sergeant Marin is survived by his mother, Leslie Marin, and his sister, Evalina Marin, who live in Storm Lake, IA, as well as his father, Javier Marin, Sr., and many more family members and friends.

This simple tribute does not do justice to the immense courage and patriotism exemplified by SGT Javier Marin, Jr. In times of war and conflict such as this, it is often difficult to appreciate the gravity of a single loss in the midst of the increasing numbers of those who have given their lives. However, it is important that we take the time to reflect upon the lives of each of the men and women who have made the ultimate sacrifice for the peace and freedom of the United States and the world. Today we honor the life of Sergeant Marin as we contemplate the ideals of liberty and democracy for which he fought and sacrificed. SGT Javier Marin, Jr., and all the men and women who have lost their lives in service to their country will have our eternal gratitude. My prayers are with Javier's family and friends and my most heart-felt appreciation goes to the late SGT Javier Marin, Jr.

LOCAL LAW ENFORCEMENT  
ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate

crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 11, 2005, a popular 21-year-old gay man from Tucson was found unconscious and bleeding from the head. Mark Fontes had been struck in the back of the head with what appeared to be a baseball bat. Although an investigation into the attack is still underway, the motivation for this vicious beating appears to be the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### RUSSIA

Mr. FEINGOLD. Mr. President, over the past several years, we have witnessed a disturbing erosion in Russia's democracy. Checks and balances, essential to the functioning of any democracy, have been undermined in Russia through the elimination of the independent media, the weakening of the judiciary, and the decline of a political opposition and citizen participation.

In his inauguration speech, President Bush spoke about the "force of human freedom" and stated that it is the policy of the United States "to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world."

But, the President has been unable to capitalize on his friendship with President Putin to prevent a backsliding in Russia's democracy. While President Putin speaks about his commitment to move down the path of democracy, his actions demonstrate otherwise.

From 2000 until the present day, President Putin has tightened his grip on Russia, increasing the authoritarian nature of the Russian state. While many Russian experts understand that President Putin inherited a state mired in corruption and political violence, and dominated by powerful, unaccountable oligarchs, they have called Putin's approach to establishing security "flawed and unfair." A Washington Post article in March 2004 described how fear was creeping back into Russia, reminiscent of the Soviet Union. A week before the Russian Presidential election in 2004, the article states:

Scholars, journalists, reformist politicians, human rights activists and even business moguls describe an atmosphere of anxiety that has left them wary of crossing the Kremlin.

The imprisonment of Mikhail Khodorkovsky, Russia's richest man

and an oil tycoon, the disappearances of critics of Putin, as well as the flawed parliamentary elections in 2003, have been disturbing signs for those who care about democracy in Russia.

The U.S. State Department in its Country Report on Human Rights Practices for 2003 raise concerns over human rights abuses committed by the Government of Russia in Chechnya, as well as by Chechen rebels, the failure of the 2003 parliamentary elections to meet international standards, the impunity of law enforcement officials responsible for abuses, poor prison conditions, and a weakening of freedom of expression and the independence and freedom of some media. In the global survey, "Freedom in the World," published by Freedom House in December 2004, Russia was downgraded to "Not Free," the only country to register a negative category change in 2004.

On all fronts, Russia's democracy appears to be weakening. In January 2002, the last significant independent Moscow TV station was shut down, many believe due to government pressure. Furthermore, radio and print media have increasingly been restricted. It was widely reported that during the parliamentary elections of 2003, television coverage was heavily biased toward the propresidency party, largely ignoring or criticizing Putin's opponents. In May 2004, the nongovernmental organization, the Committee to Protect Journalists, CPJ, named Russia one of the 10 worst places to be a journalist. CPJ states:

A shift from blatant pressures to more subtle and covert tactics, such as politicized lawsuits and hostile corporate takeovers by businessmen with close ties to Putin, has allowed the Kremlin to stifle criticism of the president and reports on government corruption and human rights abuses committed by Russian forces in Chechnya.

Furthermore, they note that journalists in Russia's provinces are murdered with impunity.

As President Putin moves from "managed democracy" to soft authoritarianism, Freedom House, Human Rights Watch, and others argue that Putin appears to be cracking down on civil society, a vital element of any thriving democracy. In May 2004, Putin used his state-of-the-nation speech to attack nongovernmental organizations, NGOs, accusing them of "receiving financing from influential foreign foundations and serving dubious groups and commercial interests." The very real need to stop terrorist financing through charities or other organizations does not justify targeting legitimate civic groups and NGOs. Following Putin's state-of-the-nation speech, masked intruders ransacked the office of a major human rights organization in Tatarstan that provides legal support for victims of torture. In addition, the state-owned Center TV criticized NGOs, accusing them of being tied to anti-Russian interests. And, in June 2004, Russia's Foreign Minister met with several NGOs and urged them to

rebut criticisms of the Council of Europe regarding Russia's human rights policies.

Russia's judicial system is also believed to be far from independent, failing to serve as a counterweight to other branches of government. Human Rights Watch has expressed concern that the government under President Putin has conducted "selective criminal prosecutions against perceived opponents . . . and scientists working with foreigners on sensitive topics." President Putin has proposed establishing executive control over the nomination of members of a key supreme court body that supervises the hiring and dismissal of judges. Furthermore, despite progress in implementing trial by jury, the Putin government appears to have manipulated jury selection in several high-profile cases or otherwise tried to influence jury deliberations.

Chechnya continues to be an area of particular concern. While Russia has the right to combat terrorist threats on its territory, Russian and proxy forces regularly violate basic human rights of Chechen civilians. Disappearances, extrajudicial executions, rape, and torture of detainees all continue with disturbing frequency and with absolute impunity. Russian forces regularly conduct sweeps and cleansing operations, resulting in death, injury and abductions in what many call a disproportionate use of force. These human rights abuses must end and those responsible should be held accountable.

Since President Putin's reelection in March 2004, he has taken more steps to exert control over the state. In September 2004, following the tragic deaths of 330 people in Beslan, half of whom were children, President Putin undertook a set of political reforms that concentrated power in Moscow and decreased the power of Russia's regions. He proposed that regional governors no longer be popularly elected but instead be appointed by the President and ratified by regional legislatures. Legislation to this effect was introduced in October 2004 and signed into law by President Putin on December 12, 2004. Putin also decided that all Duma deputies be elected on the basis of national party lists, based on the proportion of votes each party gets nationwide. As Human Rights Watch states in its recent World Report 2005:

The proposals would give the president de facto power to appoint governors, even more sway over the parliament, or State Duma, and increase the executive's influence over the judiciary.

While it is clear that President Putin must act to confront a legitimate threat to security, a marginalization of different regions outside of Moscow may create an even greater political backlash.

President Putin faces a challenging political environment in Russia. However, human rights and political freedoms must not be ignored in an attempt to establish security; their neglect will only lead to greater political